

Lindsay Hoopes (CA SBN 271060)  
PO BOX 3600  
Yountville, CA 94599  
415-240-2644  
Email: [lindsayhoopes@comcast.net](mailto:lindsayhoopes@comcast.net)

Attorney for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO)

ANDRES GOMEZ,  
Plaintiff,

v.

HOOPES VINEYARD, LLC, a California  
Limited Liability Company,  
Defendant.

Civil Action No. 3:21-cv-08776 EMC

The Honorable Edward M. Chen

DECLARATION OF COUNSEL IN  
SUPPORT OF MOTION TO DISMISS [FED.  
R. CIV. P. 12(B)(1); FED. R. CIV. P.  
12(B)(6)]

Complaint Filled: 11/12/2021

Hearing Date:

Time:

Date: February 1, 2022

**NOTICE OF MOTION AND MOTION TO DISMISS**

Case No. 3:21-cv-08776-EMC

**DECLARATION OF COUNSEL IN SUPPROT OF MOTION TO DISMISS**

I, Lindsay Hoopes, Esq., hereby declare and state as follows:

1. I am an attorney licensed to practice law before all the Courts of the State of California. I personally know the facts stated herein. If called upon to testify, I could and would competently testify to those facts and related facts that I rely upon to establish personal knowledge of the facts asserted below:
2. I represent Hoopes Vineyard, in the within action. I am not engaged in the regular practice of law for other private or professional entities, but I do serve as general counsel to Hoopes Vineyard on a regular basis.
3. I am the majority owner of Hoopes Vineyard, LLC. Hoopes Vineyard, LLC is a wholly family-owned company.
4. Hoopes Vineyard, LLC is a business with primary operations located in Napa County, California. The principal business operations include growing grapes, grape purchasing, vineyard management, farming, wine production, property management, and wholesale and direct wine sales.
5. Hoopes Vineyard, LLC does not own Real Property. Hoopes Vineyard, LLC operates and/or utilizes various vineyards, production facilities, residences and other facilities as necessary to carry out the aforementioned operations.
6. Hoopes Vineyard, LLC does not offer wine “tastings” or facilitate wine production for individual consumers at any physical location.
7. The vast majority of the properties operated by Hoopes Vineyard, LLC are not open to the public.
8. The primary purpose of the Hoopes Vineyard website is to engage customers in direct, online sales shipped from the winery directly to a customer’s place of residence. The website also provides information about the wines and the business, generally.
9. Plaintiff did not, prior to filing, contact Hoopes Vineyard or make any effort to identify accessibility issues on the website to Hoopes Vineyard staff.
10. Plaintiff has never visited any property associated with Hoopes Vineyard, nor made contact with Hoopes Vineyard personnel about services or goods available online or at any physical location.

